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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/734,329 | 11/30/2000 | Benoit de Crombrugghe | UTXC:666US/10020509 | 3826 |

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04/22/2003

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EXAMINER

MCKELVEY, TERRY ALAN

ART UNIT

PAPER NUMBER

1636

DATE MAILED: 04/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



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This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s): This application fails to comply with the requirements of 37 C.F.R. § 1.821(d). The application refers to sequences without the use of the correct identifier. For example, at page 110, Figures 1A-1, 1A-2, 1B, 2A, 2B, etc, the application sets forth sequences without sequence identifiers. Other parts of the application have the same problem. Applicants must carefully review the entire application to identify and properly label each sequence that is referred to within the application, including drawings. Note: Figure 1B sets forth 16 sequences. Sequences in drawings can be identified with a SEQ ID NO: in the Brief Description of the Drawings for the figure or be present in the figure itself. Because one or more sequences are referred to in the specification that are not present in the Sequence Listing, then a new Sequence Listing, a new CRF diskette containing the Sequence Listing and a new statement that the two are the same and includes no new matter must be submitted in order to fully comply with the Sequence Rules.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Also, it should be noted that the Brief Description of the Drawings do not correspond with the drawings. For example, Figures 1A-1F in the brief description refer to expression of Osterix mRNA in skeletal cells. These figures are not the figures filed in the instant case. The figures that correspond to Figure 1 that are filed are Figures 1A-1, 1A-2, and 1B, each of which does not fit the description of the brief description of Figure 1. This problem should also be addressed because several of the figures that are misidentified also have sequences.

Any inquiry concerning rejections or other major issues in this communication or earlier communications from the examiner should be directed to Terry A. McKelvey whose telephone number is (703) 305-7213. The examiner can normally be reached on Monday through Friday, except for Wednesdays, from about 7:30 AM to about 6:00 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to his office). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached on (703) 305-1998. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Terry A. McKelvey
TERRY MCKELVEY
PRIMARY EXAMINER